

**Commonwealth of Virginia
Department of Social Services**

ADOPTION ASSISTANCE AGREEMENT

This agreement is entered into by the below signed parties for the purpose of facilitating the adoption of and to aid the adoptive parent(s) in providing proper care for:

Name of Child

Date of Birth

Special Needs(s)

This agreement is for:

☐ a state subsidy

☐ a IV-E subsidy

☐ a conditional subsidy

PROVISIONS OF AGREEMENT

A. Type of Assistance

1. Non-recurring expenses related to adopting a special needs child to be paid for:

☐ attorney's fee, in the amount of \$ _____

☐ transportation and other expenses related to placement of the child, in the amount of \$ _____

☐ court costs related to filing an adoption petition, in the amount of \$ _____

☐ reasonable and necessary fees of adoption agencies, in the amount of \$ _____

2. Maintenance Payments:

Amount \$ _____

A maintenance payment shall be approved, upon request of the adoptive parents, for all children who are eligible for the subsidy, except those for whom the adoptive family has requested a conditional subsidy. Maintenance payments shall be made directly to the adoptive parents on a monthly basis.

The amount of this payment shall be determined in accordance with rules and regulations promulgated by the State Board of Social Services. Increases in the amount of payment shall be made when the child reaches a higher age grouping (as specified in foster care policy for maintenance payments) and when statewide increases are approved for foster care maintenance payments. At no time, however, shall the amount of the payment exceed what would have been paid had the child remained in foster care.

3. Medical Care (Check the item that applies)

- ☐ Medical benefits as provided by the State Plan for Title XIX of the Social Security Act (Medicaid) are available to this child, based on the child's eligibility for Title IV-E, in accordance with the procedures of the State in which the child resides.
- ☐ Medical benefits are available as provided by the State's Medicaid Plan for children receiving adoption assistance. This child has the following special medical or rehabilitative needs:

4. Services (Check the items that apply)

- ☐ Social Services as provided under the Social Services Block Grant will be available to this child in accordance with the procedures of the state in which the child lives.
- ☐ Special Service payments will be provided.
Amount of Payment \$ _____

5. Alternative resources that will be used to defray the cost of medical care and services for this child include:

- 6. Special service payments may be made directly to the providers of service or through the adoptive parents. A bill or receipt must be submitted before payment. The agency is not responsible for payment of bills or receipts submitted later than 6 months after the end of the month in which the service was rendered.
- 7. When the family is moving to or living in a State other than Virginia, the State Department of Social Services is available to facilitate arrangements for the receipt of adoption assistance, medical care and social services in the State of residence. Virginia is a member of the Interstate Compact on Adoption and Medical Assistance and the interests of the adopted child are protected by the Compact.

B. Notification of Change

- 1. The adoptive parent(s) will immediately notify the agency, in writing, if they are no longer legally responsible for the support of the child or are no longer supporting the child.
- 2. The adoptive parents will notify the agency of changes of address.

3. The agency will notify the adoptive parent(s), in writing, of increases in maintenance payments resulting from the child reaching a higher age grouping or from cost of living increases in foster care payments. The written notification will be incorporated as a part of this agreement.

C. Annual Certification

The adoptive parent(s) shall submit annually to the agency an affidavit which certifies that the child for whom they are receiving subsidy remains, legally, in their care and that they are continuing to support the child.

The agency shall notify the adoptive parent(s) in writing of the need for submission of the affidavit. This notice shall be given two months before the affidavit is due. Failure of the adoptive parent(s) to submit the affidavit could be grounds for suspension of this agreement.

D. Termination

Termination of this agreement will occur in any of the following circumstances:

1. upon the conclusion of the terms of this agreement;
2. upon the adoptive parent(s) request;
3. when the child reaches the age of 18, unless the child has a physical, mental, emotional disability or educational delay which warrants continuation until the age of 21;
4. upon the death of the child;
5. upon the death of the adoptive parents (both parents in a two parent family or one parent in a single parent family).
6. at the cessation of legal responsibility of the adoptive parent(s) for the child;
7. the agency determines that the child is no longer receiving support from the adoptive parent(s).

E. Effect of Agreement

1. This Agreement shall remain in effect regardless of the State of which the adoptive parent(s) are residents at any given time.
2. This Agreement will remain in effect, subject to annual certification, unless termination occurs as a result of one or more of the conditions set forth in Section D, Termination.
3. This Agreement is effective as of _____ and supercedes any prior agreements for adoption assistance between the below signed parties.
4. This Agreement constitutes the entire agreement between the parties. Changes in this agreement may be made, with the concurrence of the adoptive parent(s), in the form of written amendments. Amendments to this agreement shall specify the nature and date of the change and shall be signed by the parties.

F. Appeal

Adoptive parent(s) may appeal agency decisions relating to payments and services to be provided under this agreement and decisions relating to the termination of this agreement.

G. Terms of Conditional Agreement

A conditional subsidy is being provided at the request of the adoptive parent(s) because assistance is not needed at this time but may be needed at a later date. An application for maintenance and special service payments may be made any time before the child's 18th birthday. Upon application, a state subsidy shall be provided if the child:

- a. has a physical, mental, or emotional disability that was present at the time of placement;
- b. has been determined to have problems resulting from a hereditary tendency, congenital problem or birth injury;
- c. has problems resulting from separation from birth parents, placement in foster care or adoption; or
- d. needs help with daily living expenses.

Adoptive Mother

Date

Adoptive Father

Date

Department of Social Services

Date

Private Agency (if applicable)

Date